

REMARKS

Claims 11–14 and 19–34 are pending in this application. By this Amendment, claim 11 is amended, claims 5–8 and 15–18 are cancelled, and claims 31–34 are added. Support for the amendments to the claims may be found, for example, in the original claims. No new matter is added.

In view of the foregoing amendments and following remarks, reconsideration and allowance are respectfully requested.

I. Rejection under 35 U.S.C. §112, Second Paragraph

The Office Action rejects claims 5–8 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. By this Amendment, claims 5–8 are canceled. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

II. Rejection Under 35 U.S.C §102

The Office Action rejects claims 5–8, 11–14, 19, 23, and 27 under 35 U.S.C. §102(b) as being anticipated by JP 10-180623 to Susumu et al. ("Susumu"). By this Amendment, claims 5–8 are cancelled, rendering the rejection moot as to those claims. As to the remaining claims, Applicant respectfully traverses the rejection.

Without conceding the propriety of the rejection, independent claim 11 is amended to more clearly recite various novel features of the claimed invention, with particular attention to the Examiner's comments. Specifically, claim 11 is amended to clarify that "the total area of the polishing agent-passing holes occupies *more than 20%* of a main surface of the carrier" (emphasis added). Susumu does not disclose such a feature.

Susumu is directed to a wafer-holding carrier used in a lapping process, which is different from a polishing process. Susumu discloses that the total opening area of the through holes is set to between 0.8% and 20% of the whole surface area of the carrier. *See*

Susumu at Abstract. Claim 11 requires that "the total area of the polishing agent-passing holes occupies more than 20% of a main surface of the carrier." Because the ranges do not overlap, Susumu cannot be said to anticipate claim 11.

Susumu does not anticipate claim 11. Claims 12–14, 19, 23, and 27 variously depend from claim 11 and, thus, also are not anticipated by Susumu. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

Furthermore, Susumu further teaches that if the total opening area of the through holes is greater than 20% of the whole surface area of the carrier, the mechanical strength of the carrier is lowered resulting in an imperfect hold of the wafers which leads to cracking of the wafers. *See* Susumu at Abstract. Therefore, Susumu teaches away from the device of claim 11.

The present disclosure also provides evidence of unexpected results achieved by a device according to claim 11. As shown in Example 2, when the area of the polishing agent-passing holes was set to 28.6%, the wafers exhibited a greater degree of flatness than exhibited in Comparative Examples 1 and 2, where the area was set to less than 15%, and Example 1, where the area was set to 20% or less.

Therefore, because the device according to claim 11 exhibits unexpected and superior results when the area of the polishing agent-passing holes is set to greater than 20%, compared to Susumu, coupled with the fact that Susumu teaches away from the device according to claim 11, Susumu would not have rendered obvious the subject matter of claim 11.

III. Rejections Under 35 U.S.C. §103

A. Susumu

The Office Action rejects claims 21, 25, and 29 under 35 U.S.C. §103(a) as obvious over Susumu. Applicant respectfully traverses the rejection.

As discussed above, Susumu fails to teach or suggest all of the claimed features of independent claim 11 and, thus, would not have rendered obvious claim 11. Claims 21, 25, and 29 variously depend from claim 11 and, thus, also would not have been rendered obvious by Susumu. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

B. Susumu in view of Fuminari

The Office Action rejects claims 20, 22, 24, 26, 28, and 30 under 35 U.S.C. §103(a) over Susumu in view of JP 10-202511 to Fuminari et al. ("Fuminari"). Applicant respectfully traverses the rejection.

As discussed above, Susumu fails to teach or suggest that "the total area of the polishing agent-passing holes occupies more than 20% of a main surface of the carrier" as required by claim 11. Despite its asserted disclosure, Fuminari fails to cure this deficiency. Therefore, Susumu and Fuminari, either separately or combined, fail to teach or suggest all of the features of claim 11.

Claim 11 would not have been rendered obvious by Susumu and Fuminari. Claims 20, 22, 24, 26, 28, and 30 depend from claim 11 and, thus, also would not have been rendered obvious by Susumu and Fuminari. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

IV. New Claims

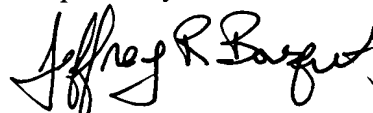
By this Amendment, new claims 31–34 are presented. New claims 31–34 correspond to canceled claims 5–8 and depend from claim 11 and, thus, distinguish over the applied references for at least the reasons discussed above with respect to claim 11. Prompt examination and allowance of new claims 31–34 are respectfully requested.

V. **Conclusion**

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 11-14 and 19-34 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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